REMARKS

With this amendment, Applicant cancels claims 2, 8, and 14. Therefore, claims 1, 3-6, 9-13, and 15-25 are all the claims pending in the application.

With this amendment, Applicant amends claims 1, 6-7, 9-13, 16, and 18-19.

Claim Rejections - 35 U.S.C. § 102

Claims 1-25 currently stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Walls (U.S. Patent Pub. No. 2004/0156315) in view of Kowalski (U.S. Patent Pub. No. 2003/0223365). Applicant respectfully traverses this rejection.

Claim 1 recites, in part, "a means of controlling a transmission rate of a reception acknowledgement signal transmitted from a wireless station in response to reception of a data frame from another wireless station, wherein the means controls the transmission rate of the reception acknowledgement signal based on the number of retransmissions of the data frame" Applicant submits that the combination of Walls and Kowalski fails to teach or suggest this feature.

Walls relates to an apparatus for transmitting to a network. In Walls, the transmitting unit transmits data packets over a network to receiving units. The receiving units in Walls can send a retransmission request in order to have lost or missing packets retransmitted. (paragraph 32). Walls also discloses that if the transmission rate is set too high, the receiving units will not be able to successfully receive packets and will have to send more retransmission requests, thus increasing traffic. (paragraph 36). Walls describes that decreasing the transmission rate may reduce the number of retransmission requests and therefore increase throughput. That is, by

reducing the transmission rate that the transmitting unit is sending data packets to the receiving units, the receiving units may be able to receive packets more successfully, and thus, may send less retransmission requests.

However, Walls is different than the invention of claim 1. The Examiner asserts that a retransmission request is a negative form of reception acknowledgement. If it is a negative form of reception acknowledgement, then it is not a reception acknowledgement. For instance, in claim 1 "a reception acknowledgement signal transmitted from a wireless station in response to reception of a data frame from another wireless station". In Walls, however, retransmission requests are generated only when packets are lost or missing, not when they are received. Rather, Walls describes that acknowledgements may be generated by the receiving units when a certain number of data packets have been successfully received. Walls only describes that acknowledgements and retransmission requests are related in that they both identify the data packet at issue. Therefore, the reception acknowledgement signal of claim 1 is distinguishable from the retransmission requests of Walls.

Further, even if the retransmission requests did correspond to the reception acknowledgements of claim 1, Walls still fails to teach or suggest "the means controls the transmission rate of the reception acknowledgement signal based on the number of retransmissions of the data frame", as claimed in claim 1. Instead, Walls controls the transmission rate of the session in order to keep the number of retransmission requests between threshold limits. That is, Walls is controlling the rate that the transmitting unit is transmitting data packets in response to the number of retransmission requests. Walls is not controlling the

transmission rate of the retransmission requests, but is instead using the number of retransmission requests to determine whether to raise or lower the transmission rate of the session. As such, claim 1 is distinguished from Walls.

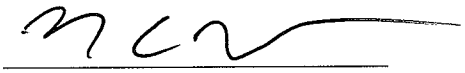
Applicant submits that for at least these reasons Walls fails to teach or suggest the features of claim 1. Kowalski also fails to teach or suggest these features. As such, Applicant submits that claim 1 is patentable over the combination of Walls and Kowalski. Applicant submits that claims 7, 13 and 19 are patentable for analogous reasons to those discussed with respect to claim 1. Applicant submits that claims 3-6, 9-12, 15-18, and 20-25 are patentable at least by virtue of their dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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